The Builder.

No. CCXLIV.

SATURDAY, OCTOBER 9, 1847.

NATURALLY enough, the business of the Metropolitan Buildings office has been simplified by time and experience, and now goes on more smoothly than it did. Party-wall proceedings, and the decision of what is "the general line of the fronts of the houses" in respect of proposed projections, appear to form the greater number of the cases brought before them. Complaints of injurious delay in the office occasionally reach us, but seldom with such a full statement of the attendant circumstances as would enable us to judge of their correctness.

Delay has been caused in some cases, and with injurious results to individuals, as we are informed, by a difference of opinion between the referees and the registrar, leading to a refusal on the part of the latter to affix the official seal, without which the award is not complete. Section 89, provides with regard to the registrar, so far as relates to the affixing the seal of office to any document, "that if it shall appear to the said registrar that any such documents are contrary to law, or not complete in any of the requisite forms, or beyond the competence of the said official referees, either with regard to the provisions of this, or any rules or regulations presented for their guidance by the Commissioners of Works and Buildings, then it shall be the duty of the said registrar to refuse to affix the seal," and afterwards, if desired by the referees, he is required to report the matter to the Commissioners of Works, with the reasons for his refusal, and power is given to the Commissioners, either to authorize him to affix the seal or to confirm his refusal.

Several cases have in this manner been sent to the commissioners, who seem to be in no hurry to interfere. One of the matters in difference is particularly important, as affecting private rights: it relates to the restoration of ancient lights in party-walls, when the walls are rebuilt. In many old houses there is a room, for example, receiving light from a window in the party-wall above the roof of a lower adjoining house, and the broad question is, whether, when the party-wall be rebuilt, the window is to be blocked up, and the owner of the house so lighted injured (always, of course, supposing him legally entitled to the opening), or if it should be restored? Money compensation may be awarded, but in many cases could not be commensurate.

The referees are willing to authorize the retention of such openings, requiring that the building under them be made fire-proof; but the registrar considers that they have not power to do so, and that no openings may be left.

Some time ago, we gave an abstract of an award in a case in the Marylebone district, where the district surveyor, being called in to survey the party-wall, certified that a portion of it should be rebuilt, and another portion amended by bricking up certain windows in it.* The owner of the house so lighted appealed against this (*inter alia*), and the referees determined that, he being lawfully entitled to the lights, the district surveyor had no power to direct their removal; but that the space before the windows, from the level of the underside of the sill of the lower of them upwards was of the nature of intermixed property, and that the building owner "must, in building against the said wall and under such windows, construct *a party arch or arches, or a floor formed of proper and sufficient incombustible materials*, in accordance with the rules of the Act, as a covering to any building so to be built, as a separation of such intermixed property."

In cases where the wall was absolutely to come down, they appear to have taken the same view of the question, and directed similar precautions, but the registrar, as we have already said, has considered it his duty to object, and the point is still unsettled.

The most recent case before us, wherein the question is involved, relates to the party-wall of a house on the east side of Bull Inn-court, Strand, wherein there was a window opening over the adjoining house. Here it was found that the adjoining house belonged to the building owner, and would come into his hands within a year, and the referees said in their award,—that "inasmuch as there is no person excepting the said building owner entitled to the window existing in the said party-wall, we do hereby declare our opinion, that it will not be lawful for the said building owner to rebuild the said party-wall with any such window therein."

To this award the registrar appended the following note:—

"It appears to me that the following words, 'inasmuch as there is no person, excepting the said building owner, entitled to the window existing in the said party-wall,' contained in the third page of the award, are calculated to raise the inference, that under other circumstances an opening in a party-wall between buildings in different occupations, is admissible,—a point involved in several cases now under the consideration of the Commissioners of Works and Buildings. As, however, the award is substantially in accordance with my opinion as to the law relating to openings in party-walls, I have, without assenting to the above inference, affixed to the award the seal of office of the registrar of metropolitan buildings, in order that the parties may not be prejudiced by delay."

Without in any way reflecting on the step taken by the registrar, we are disposed to think that the referees do not exceed their power in permitting the restoration of ancient lights with such precautions; that they *ought* to have this power for the sake of the public can scarcely be questioned, and if the Commissioners of Works think they do not possess it, it should be forthwith given to them by a "modification."*

To the opinion of the referees in another matter we are compelled to object,—we mean as regards "*attached* buildings and offices." They have determined, on what grounds we are unable to discover, "that an 'attached building,' within the meaning of the Metropolitan Buildings Act, is a building in the same occupation with a main or principal building, and separated therefrom by one of its inclosing walls, *without any doorway or other internal communication with the main building*."

Schedule C, as our technical readers remember, begins thus,—

"*Attached Buildings and Offices.*—With regard to buildings or offices now built, or hereafter built (except greenhouses, vineries, aviaries, or such like buildings), and that, whether such buildings or offices be attached to or detached from the buildings to which they belong. Every such building is to be deemed, in respect of the walls thereof, and all other requisites, as a building of the rate to which it would belong if it had been built separately."

And all regarded this as a useful provision, calculated to prevent unnecessary expenditure, and waste of room. It was concluded, for example, that if an owner desired to add a small closet building to his residence, call it an extra first-rate, two or three stories high, and communicating with each floor, it would be rated as if it had been built separately, and would not need to have walls two-bricks thick (occupying eighteen inches of ground), but such walls as the Act required for such a small building *per se*:—a perfectly reasonable, and very proper provision.

The referees, however, by their definition, above given, and their awards, have entirely abrogated it. For such buildings as those to which they make the clause apply, it was not at all necessary: it must have been intended to meet just such a case as that we have stated.

In the case of Otto House, Fulham, where it was proposed to add a building of two stories (containing four rooms), to an extra first-rate of the public building class, the inexpediency of the principle they had laid down was made evident. The referees determined that "it was an addition to an extra first-rate building (which would have required walls 21½ inches thick), and not an attached building, within the meaning of the Metropolitan Buildings Act; but inasmuch as it contains two stories only, and having regard to the height of such stories, and inasmuch as regarding its connection with the main building, it is structurally an independent building, not exceeding in area a building of the second-rate of the dwelling-house class, and having regard to the circumstances that by schedule C, part 2, walls of the thickness of 13 inches only are prescribed for second-rate buildings of the first class, we do hereby approve of the proposed walls being built of the thickness of 13 inches only."*

We feel called on to dissent entirely from the referees' definition and awards in this respect, and express a hope that they will reconsider the matter, and render it so clear, as may easily be done, that it will not be necessary to make the walls of a closet-building inconveniently and wastefully thick, or to go to the Metropolitan Buildings Office, on every occasion, to get leave to act according to what we have no hesitation in saying is the true meaning of the Act.

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The following are abstracts of some recent awards which have public interest:—

PORCHES.

WITH regard to a wood portico in front of a fourth rate building in Wellington-street, Woolwich, recently inclosed with wood shutters and boarding, the district surveyor gave notice of irregularity.

The builder, Mr. Hill, then proposed to enclose the said portico with brick piers and wood sashes and doors, so as to make a permanent inclosure of the same, but the district surveyor thought, "that according to the provision made in schedule E. under the rule headed, 'Projected buildings beyond the general line of buildings, &c.,' such projections must neither be built with nor be added to any building on any face of an external wall

* See p. 389, ante.

* At the moment of going to press, we received intimation that the opinion of the Commissioners of Woods and Forests in a case of this sort (Morleys and Grant), has just been received, and to be the effect, that when a party-wall is condemned, and which may have had therein ancient lights, yet that the new party-wall must be built "imperforate." The adjoining owner, deprived of his lights, is to be compensated for their loss by the building owner.

* See p. 367, ante.